

Remarks

Claims 1-6 were previously pending in the application. Applicants submit that no new matter has been added by way of this Response. Applicants explicitly reserve the right to add/pursue the claims as originally filed at a later date and/or in a continuation/divisional application. Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and the following remarks.

The Examiner's Election Requirement

In the Restriction/Election Requirement dated January 5, 2009, the Examiner states:

The application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-4, drawn to a semiconductor device.

Group II, claims 5-6, drawn to a method of producing a semiconductor device.

(See, January 5, 2009 Office Action, p. 2)

Applicants' Election

Applicants respectfully traverse the Examiner's Restriction Requirement and submit that there is no undue burden for the Examiner to conduct a substantive search of the claims corresponding to Group I and Group II.

However, should the Examiner maintain the position, Applicants provisionally elect claims corresponding to Group I (claims 1-4) for substantive examination. Further, Applicants reserve the right to pursue the non-elected claims or subject matter in one or more divisional applications at a later time.

In the event that a telephone conference would facilitate examination of the application in any way, the Examiner is invited to contact the undersigned at the number provided.

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of the Response to Deposit Account No. 03-1240, Order No. 17314-018. In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make the Response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17314-018.

Respectfully submitted,
Chadbourne & Parke LLP

Dated: February 2, 2009

By: /Walter G. Hanchuk/
Walter G. Hanchuk
Registration No. 35,179

Chadbourne & Parke, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
212-408-5100 Telephone
212-541-5369 Facsimile